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Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Discussion paper on international cooperation, assistance and national capacity-building resource implications of States' commitments under the Programme of Action and International Tracing Instrument

I. Overview

1. This paper has been prepared with a view to facilitating discussion at the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action.[1] Paragraph 8 of General Assembly resolution 62/47 calls upon States to take full advantage of the Third Biennial Meeting of States to highlight the implementation challenges and opportunities associated with the Programme of Action issues they decide to focus on. Initial open-ended consultations, conducted in New York and Geneva by the Chair-designate of the Third Biennial Meeting of States, Dalius Čekuolis, have identified the issues of illicit brokering and stockpile management and surplus destruction/disposal for focused discussion at the Third Biennial Meeting of States. Ambassador Čekuolis has indicated, moreover, that the theme of international assistance and cooperation will serve as a fundamental reference point for all discussions. In addition, the Chair-designate has noted that, pursuant to recent General Assembly resolutions, the New York meeting will consider implementation of the international tracing instrument (see A/60/88 and Corr.2).

[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

II. Rationale

2. At global and regional meetings, States have expressed the importance of international cooperation, assistance and national capacity-building for the effective implementation of the Programme of Action.

3. Furthermore, the Programme of Action strongly emphasizes on the importance of international cooperation and assistance to its implementation. Specifically:

(a) The preamble stresses "the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects" (sect. I.14);

(b) An entire section of the Programme of Action is devoted to implementation, international cooperation and assistance (sect. III.1-18);

(c) The follow-up section encourages "all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action" (sect. IV.2.b).

4. The Third Biennial Meeting of States is an opportunity to strengthen the aspect of international cooperation, assistance and national capacity-building by sharing national experiences, ideas, initiatives and mechanisms, facilitating the matching of needs with resources and presenting the challenges and opportunities associated with the implementation of the Programme of Action.

III. Resource implications

5. This paper considers the resource implications of and implementation of the Programme of Action and the international tracing instrument. In relation to the Programme of Action, it focuses on the issues of illicit brokering and stockpile management and surplus destruction/disposal with a view to facilitating an in-depth discussion of implementation challenges and opportunities in these specific areas. It also considers the resource implications of international tracing instrument commitments relating to marking, record-keeping and cooperation in tracing.

6. The paper uses the term "resource implications" to refer to resources and activities required to fulfil Programme of Action commitments. These may include the recruitment, training and payment of necessary personnel, or the establishment and maintenance of systems for the application of relevant laws and regulations. A clear understanding of resource implications facilitates the identification of assistance and capacity-building needs and also underpins planning for enhanced Programme of Action implementation (legislative reviews, national action plans, baseline assessments, etc.).

7. Discussions of international cooperation and assistance often focus on the provision of assistance to countries lacking capacity for implementation. Much less attention is paid to cooperation. This paper also examines aspects of international cooperation that help build national capacity for effective implementation.

8. Depending on the State's circumstances and the issue area, resource and capacity-building needs can include:

- Legislation
- Systems and procedures
- Equipment, infrastructure and technology, including transfer
- Training for customs authorities, police, intelligence and arms control officials
- Training of authorities in investigative techniques
- Training in chain of custody
- Financing
- Needs assessment
- National coordination (exchange of information and coordination between Government departments).

9. Depending on the State's circumstances and the issue area, cooperation aspects can include:

(a) Multilateral and bilateral information exchange, including:

(i) Establishment of points of contact;

(ii) Exchange of information on good and best practices, national experiences;

(iii) Exchange of information on seized small arms and light weapons according to national laws;

(b) Cooperation and exchange of information among countries to identify routes for the illicit trafficking of small arms and light weapons, including ammunition;

(c) Establishment of security mechanisms for border controls to avoid diversion of arms;

(d) Cooperation in criminal investigations.

10. Discussions at the Third Biennial Meeting of States on international cooperation and assistance could serve, at a minimum, to help States:

(a) Better to understand the resource implications of the commitments they have undertaken in the Programme of Action (issues for focused discussion at the Third Biennial Meeting of States) and the international tracing instrument;

(b) To identify their specific assistance/capacity-building needs in these areas;

(c) Better to understand the resources and mechanisms that are available to them in addressing such needs.

IV. International cooperation and assistance

11. In section III of the Programme of Action, States have underlined the crucial importance of international cooperation and assistance to the effective implementation of this instrument. States have made a series of commitments of a general nature to support the national implementation of the measures outlined in section II of the Programme of Action (e.g. paras. III.1-3). They have also undertaken several more specific commitments relating to the discussion topics of the Third Biennial Meeting of States.

A. Brokering

12. Specific commitments include:

- Enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons (Programme of Action, para. III.13)
- International cooperation on sharing information (national points of contact).

13. Resource implications associated with Programme of Action commitments and recommendations of the Group of Governmental Experts on brokering relate, inter alia, to:

- Improvements to existing legislation or development of new legislation
- Establishment and maintenance of broker registers
- Establishment of systems and procedures for registration and licensing of brokers
- Procurement of information technology and other equipment for registration, licensing and record-keeping (brokers and brokering activities)
- Procurement of equipment and technology to assist with the detection of forged end-user certificates and document verification
- Recruitment and training of required personnel (document verification, investigation of illicit brokering activities, etc.)
- Improving capacity to monitor transportation routes, land and water borders, airports and flight paths
- Improving capacity to enforce penalties for illicit brokering
- Inter-agency and interdepartmental cooperation and information exchange to monitor brokering activities
- Strengthening partnerships and multilateral cooperation, including mutual legal assistance
- Multilateral exchange of information on good and best practices.

B. Stockpile management and security

14. Specific commitments include:

- Seriously consider assisting interested States, upon request, to build capacities in various areas, including stockpile management and security (Programme of Action, para. III.6)
- Support regional and international programmes for specialist training on small arms stockpile management and security (Programme of Action, para. III.8).

15. Resource implications associated with commitments and the establishment of standards and procedures relate, inter alia, to:

- Relocation of existing stockpiles, where necessary
- Measures and infrastructure designed to improve the physical security of stockpiles, including control of access to stocks
- Procurement of information technology and other equipment required for inventory management
- Staff recruitment and training
- Building capacity to detect and punish breaches of established standards and procedures
- Inter-agency and interdepartmental cooperation and information exchange to determine appropriate locations for stockpiles and share good and best practices on stockpile management
- Multilateral exchange of information on good and best practices.

C. Surplus destruction and disposal

16. Specific commitments include:

- Seriously consider assisting interested States, upon request, to build capacities in various areas, including small arms and light weapons destruction (Programme of Action, para. III.6)
- Provide assistance in the destruction or other responsible disposal of surplus stocks (Programme of Action, para. III.14).

17. Resource implications associated with commitments and the determination and destruction of surplus small arms and light weapons stocks relate, inter alia, to:

- Assessment of state stockpile requirements through inter-agency cooperation and information exchange
- Procurement and operation of needed destruction equipment
- Systems and procedures for the secure transport and safeguarding of stocks prior to their destruction
- Staff recruitment and training
- Minimizing the environmental impacts of destruction programmes (in particular, removal and clean-up)

- Measures to record destroyed items
- Financing of destruction (also where subcontracted to private companies)
- Multilateral exchange of information on good and best practices.

D. International tracing instrument

18. The international tracing instrument underlines the importance of international cooperation and assistance to its effective implementation, highlighting, in particular, technical, financial and other assistance, both bilateral and multilateral, in building national capacity in the areas of marking, record-keeping and tracing (para. 27) and encouraging initiatives within the framework of the Programme of Action that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote implementation of the international tracing instrument (para. 29). More detailed and specific information of international cooperation and assistance for the effective implementation of this instrument will be covered in the international tracing instrument discussion paper (A/CONF.192/BMS/2008/WP.4).

V. Implementation mechanisms

19. A number of mechanisms already exist or are emerging to facilitate international assistance and cooperation at the subregional, regional and global levels. At the global level, the Group of Interested States meets regularly to discuss specific proposals on disarmament-related projects, in particular for small arms and light weapons. States can use this forum to express their assistance and cooperation needs. The Programme of Action implementation support system,[2] now being developed from the Coordinating Action on Small Arms[3] database, aims at establishing a comprehensive information management system encompassing all aspects of Programme of Action implementation, including cooperation and assistance. This system will highlight a matching need-to-resources mechanism, currently under preparation by the United Nations Institute for Disarmament Research, and an online small arms advisory/practice network for the exchange of practical experience and advice.

20. States can also use national reporting on Programme of Action implementation to identify the types of assistance they require or would like to support.[4] The strong links that exist between national reporting, Programme of Action implementation and international cooperation and assistance are reflected in General Assembly resolution 62/47.

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[2] A demonstration version of the system can be found at www.un-casa.org/iss/default.aspx.

[3] This inter-agency mechanism coordinates small arms and light weapons policy for 17 United Nations entities: http://www.un-casa.org.

[4] National reports on Programme of Action implementation are available at: http://disarmament2.un.org/cab/salw.html.

VI. Possible next steps

21. The Third Biennial Meeting of States offers States an important opportunity to consolidate and accelerate the effective implementation of the Programme of Action. To this end States are encouraged:

(a) To exchange information and experience on their implementation of the Programme of Action, including at subregional and regional levels, highlighting wherever possible implementation challenges and opportunities;

(b) To accelerate their efforts to identify the assistance, cooperation and capacity-building needs they may have for Programme of Action implementation;

(c) For purposes of enhancing Programme of Action implementation, to use, sustain and develop, as appropriate, existing and emerging resources and mechanisms (e.g. the Coordinating Action on Small Arms database).

International cooperation and assistance under the Programme of Action

During the first five years of the Programme of Action (January 2001-December 2005), States allocated approximately $660 million in international assistance to support its implementation. Almost three quarters of this assistance was directed at programmes related to the disarmament, demobilization and reintegration of ex-combatants. Surplus destruction received the second largest amount of financial assistance, about 8 per cent of the total. Financial assistance for destruction programmes, including the destruction of surplus weapons and ammunition, mainly targeted states in South Eastern Europe. Small arms and light weapons conferences and training, research and disarmament, demobilization and reintegration received the most support.

Stockpile management and security ranked fifth in terms of frequency of support, receiving just under 2 per cent of global financial assistance. This support mainly involved assessments of physical security and management practices in various regions, along with training seminars. Assistance programmes in the Pacific focused on the reinforcement of physical storage and security.

Brokering and tracing were among the issues that received the least amount of technical or financial assistance between 2001 and 2005. These issues were mainly addressed through conferences and research. However, States frequently cooperated by exchanging information and collaborating in investigations.

Note: The figures used in this box are drawn from Kerry Maze and Sarah Parker, *International Assistance For Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Findings of a Global Survey* (Geneva: United Nations Institute for Disarmament Research, 2006, www.unidir.org).

Resource implications matrix

National Commitments / Resource implications		Legislation	Systems & Procedures	Equipment/ Infrastructure/ Technology	Training	National coordination	Multilateral information exchange	Financing
BROKERING	**Regulate brokering**							
	• Register brokers	✓	✓	✓		✓	✓	✓
	• Licensing for transactions	✓	✓	✓	✓	✓	✓	✓
	• Penalties for illicit brokering	✓	✓				✓	✓
	• *Record-keeping**	✓	✓	✓	✓	✓	✓	✓
	Regulate related activities							
	• Financing of activities	✓	✓		✓	✓	✓	✓
	• *Transport, insurance etc.**	✓	✓		✓	✓	✓	✓
	End-use certification*							
	• *Preventing forgery**		✓	✓	✓	✓	✓	✓
	• *Authentication**		✓	✓	✓	✓	✓	✓
STOCKPILE MANAGEMENT	Appropriate locations		✓			✓	✓	✓
	Physical security		✓	✓	✓		✓	✓
	Control of access		✓	✓	✓		✓	✓
	Inventory management		✓	✓	✓	✓	✓	✓
	Control of SALW held by operational units		✓	✓	✓	✓	✓	✓
	Sanctions for theft or loss	✓					✓	✓
SURPLUS DISPOSAL	Regular review of stocks		✓		✓	✓	✓	✓
	Identify surplus		✓		✓	✓	✓	✓
	Establish disposal programmes		✓			✓	✓	✓
	Implement disposal programmes		✓	✓	✓	✓	✓	✓
	Safeguard stocks for disposal		✓	✓	✓	✓	✓	✓
TRACING	*Marking**	✓	✓	✓	✓		✓	✓
	*Record-keeping**	✓	✓	✓	✓	✓	✓	✓
	*Cooperation in tracing**	✓	✓	✓	✓	✓	✓	✓

* The commitments in italics in the brokering section are derived from the recommendations of the Group of Governmental Experts on brokering rather than the Programme of Action. All of the commitments in the tracing section are derived from the international tracing instrument. The remainder of the commitments derive from the Programme of Action.

Notes on use

The resource implications matrix recaps the resource implications identified in the discussion paper on illicit brokering, stockpile management/surplus destruction, and the international tracing instrument. Accordingly, the matrix is illustrative rather than exhaustive. Since there are cost implications associated with the implementation of all Programme of Action and international tracing instrument commitments, as well as the brokering recommendations, the final column, "Financing", has been checked for all commitments.

Legend

Legislation: requiring adoption or development of national laws or regulations (legal instruments)

Systems & Procedures: requiring establishment of an administrative procedure or system

Equipment/Infrastructure/Technology: requiring acquisition of equipment, infrastructure or technology

Training: requiring training of personnel

National coordination: requiring exchange of information and coordination between government departments within the state

Multilateral information exchange: requiring the exchange of information between states; includes the establishment of points of contact and the exchange of information on good and best practices

Financing: implying financial costs to the implementing government (potentially the case for all listed commitments).

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Discussion paper on illicit brokering in small arms and light weapons

Overview

1. The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects listed illicit brokering as an aspect to be included in its implementation by States at the national and global levels. Although arms brokering is not an activity *malum per se*, "unregulated and poorly regulated arms brokering activities may result in small arms and light weapons transactions that increase the risk that arms are diverted to conflict-prone areas and embargoed entities, as well as to organized criminal and terrorist groups" (A/62/163, para. 1). Illicit brokering in small arms and light weapons can have a negative impact on such diverse fields as security, stability, conflict resolution, development, crime prevention and humanitarian affairs, and as the latest General Assembly resolution on the subject (62/47) recognized, illicit brokering in small arms and light weapons is "a serious problem that the international community should address urgently". In the Programme of Action, States have made commitments to develop and implement adequate legislation/procedures to regulate arms brokering, as well as cooperate on the issue.

Challenges and opportunities

2. Challenges to the implementation of the Programme of Action brokering provisions are manifold. The majority of States still lack a national legal framework to regulate illicit brokering. Their domestic legislation or administrative procedure often lacks clear and enforceable measures to combat illicit brokering, such as registration, licensing, record-keeping, jurisdiction provisions and penalties. In addition, some States have difficulty in enforcing existing measures and require international assistance to build the necessary capacity. Although the global reach of brokering activities, including "extraterritorial brokering", require international cooperation, such cooperation is not always seamless, even within the same region.

3. On the other hand, States also have unprecedented opportunities to address this issue. Global awareness on the issue of small arms is constantly rising, as shown in

the Secretary-General's report on the issue of small arms in April 2008. Other international organizations, within their mandates, have also taken steps to counter illicit trafficking in arms, including illicit brokering. The reporting process is being improved with the inclusion of a separate section in the national reports on the status of brokering control; many regions or subregions have developed legally binding instruments that regulate the illicit brokering of small arms and light weapons. Most importantly, the General Assembly established the Group of Governmental Experts to further consider steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, which produced the first report with a definition of illicit brokering.

The way forward

4. The report (A/62/163) contains rich and comprehensive recommendations to address the issue of illicit brokering in small arms and light weapons. The report provides excellent material to enable States to discuss at the biennial meeting the implementation of the commitment made in the Programme of Action to develop legislation/procedures to control brokering. The recommendations made by the Group of Governmental Experts include the following:

- On national implementation: the development of adequate national laws, regulations and administrative procedures; the regulation of activities closely associated with brokering; and the organization of training courses and workshops for national experts and law enforcement officials were recommended. States were also encouraged to report on their efforts to address the issue of illicit brokering, and it was suggested that the Office for Disarmament Affairs include in its website a section that would, among other things, include requests and offers for assistance.

- In the area of international assistance and capacity-building, the report recommended that States and relevant international, regional and subregional organizations seriously consider rendering support to interested States, for example in the form of joint projects for increasing the capacity of relevant authorities. It encouraged States requesting assistance to base such requests on their respective assessments of national needs. States and relevant international, regional and subregional organizations in a position to do so could assist in the formulation of national action plans and related concrete project proposals. Possible cooperation with the World Customs Organization and Interpol was also mentioned.

- In the area of international cooperation on information-sharing, it was noted that requests for cooperation should be made with due respect for the State's constitutional and legal system. States were also encouraged to voluntarily cooperate with other States to facilitate national decision-making and cross-checking procedures. Voluntary cooperation at various other levels, including law enforcement, were also encouraged. The report added that States should take immediate steps to effectively implement and enforce, within their jurisdiction, all arms embargoes and sanctions decided by the Security Council.

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Discussion paper on stockpile management and surplus disposal

I. Rationale and purpose of the discussion paper

1. Poorly managed and insecure small arms and light weapons stockpiles pose a demonstrable risk to public safety and a security threat to societies. Hundreds of people die each year because of failures to manage dangerous national stockpiles. Many more people lose their lives because arms and ammunition diversion from national stockpiles keeps fuelling violent conflict, armed crime and terrorism. Explosions at stockpiles occur throughout the world on a regular basis, and diversion to the illicit market respects no international borders. The mismanagement of arms and ammunition is an issue with the potential to affect all States and the populations that reside close to ammunition stockpiles.

2. The present discussion paper is intended to facilitate a consensual outcome to the Third Biannual Meeting of States and to encourage effective implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The paper is designed to streamline the often complex issues associated with stockpile management and surplus disposal into a series of targeted discussion points. It outlines a series of challenges for States and suggests legislative, procedural and operational measures that States can implement to improve stockpile management and surplus disposal.

3. Decision-making on stockpile management and surplus disposal is a purely national prerogative. It is for national Governments alone to decide what percentage of their national stockpiles is in surplus; but they can only make this calculation (with reference to their own security needs) if they have effective stockpile management systems in place.

4. Effective stockpile management is not only desirable from the perspective of public safety and security. All States have a significant interest in ensuring that the management of arms and ammunition is as efficient and cost effective as possible. A

reduction in surplus accumulation (and associated storage and maintenance costs) is just one of the benefits offered by advances in stockpile management. Other important benefits are reduced arms and ammunition replacement rates and improvements in reliability — and, by extension, military capability.

5. Conceptually, stockpile management concerns the national stockpile of small arms and light weapons and ammunition. The national stockpile has four broad components: (i) small arms and light weapons and ammunition required by active units of the security forces; (ii) small arms and light weapons and ammunition required by reserve units; (iii) small arms and light weapons and ammunition awaiting repair, modification or reclassification; and (iv) surplus stocks.[1] The national stockpile may be distributed among various branches of the State's internal and external security forces, and effective national stockpile management needs to apply to all these branches.

II. References to stockpile management and surplus disposal in the Programme of Action

6. There are numerous references to stockpile management and surplus disposal in section II ("Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects") of the Programme of Action. These provisions are broad in scope but allow for legislative, procedural and operational improvements to national stockpile management in some critical areas.

> 9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
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> 10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

7. Paragraphs 9 and 10 refer to record-keeping and accounting, which are fundamental prerequisites of effective stockpile management. Accurate accounting can quickly identify stockpile losses or inaccuracies resulting from misplaced munitions and wrongly issued or illicitly diverted stocks. Comprehensive accounting procedures are also a core component of effective technical surveillance of ammunition; they facilitate the management of unstable ammunition and thereby help to minimize the risks of explosion and accidents.

> 16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.

8. Paragraph 16 casts the spotlight on collected weapons and ammunition. This is an important consideration because it notes that stockpile management is as

[1] All States accumulate surplus stockpiles to a greater or lesser extent. For example, the replacement of one type of weapon by another creates a temporary surplus prior to the destruction or disposal of the older model.

applicable to weapons seized during weapons collection and disarmament, demobilization, and reintegration programmes as to national stockpiles. The text tacitly recognizes the risks (from a safety and security perspective) of a failure to destroy collected weapons in a timely manner.

> 17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.
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> 18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.
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> 19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

9. Paragraphs 17, 18, and 19 include all the primary elements of stockpile management and surplus disposal. These elements, however, comprise more of a list than a sequenced set of procedures for ensuring effective stockpile management. For reasons of clarity they can be divided as follows:

(a) The constitutional and legislative framework for stockpile management — i.e., what is permissible and, by extension, what legislative advances might be made in this area. Decisions made regarding the location of stockpiles may, for instance, be subject to national legislation. National legislation may also affect the kinds of assistance States can request if they require assistance with surplus disposal;

(b) The procedural framework for stockpile management, including: the physical security measures related to the storage and transportation of stocks; inventory management and accounting systems; and the sanctions that apply in the event of theft or loss. The paragraphs do not explicitly mention the need for safety enhancing measures (such as technical surveillance) but these elements are arguably included under the rubric "inventory management";

(c) The operational framework for stockpile management, including the adequate training of personnel and the identification and responsible disposal of weapons and ammunition. These issues are dependent on States having, or acquiring, the technical capacity to implement national legislation and procedures pertaining to stockpile management.

10. Perhaps the most important point, from the perspective of improved stockpile management and surplus disposal, is the commitment, in paragraph 18, to regularly review small arms and light weapon stocks. The process of review, if comprehensive, is arguably a useful way for national decision-makers to gauge the effectiveness of existing stockpile management practices. If the results of the review are inconclusive, they may indicate that existing stockpile management (particularly accounting and record-keeping) is sub-optimal.

III. Key issues in the implementation of the Programme of Action

11. While the Programme of Action emphasizes counter-proliferation, it calls for increased efforts on three key issues related to national stockpiles; safety, security and the management of small arms and light weapons, ammunition and explosives. As is noted in the previous sections of the present paper, unsafe and unsecured stockpiles are symptomatic of ineffective stockpile management. More than 60 per cent of all explosive events at national stockpiles result from human error, security breaches or the inappropriate storage or handling of ammunition. All of these problems can be addressed through effective stockpile management systems.

12. The rationale for improving stockpile management is fourfold. Firstly, it serves to reduce the risks related to keeping a national stockpile of small arms and light weapons and ammunition, avoiding accidents and securing against proliferation. Secondly, in the event of an accident, effective stockpile management reduces the destructive effects of a catastrophic event on material, personnel and the populations and infrastructure surrounding stockpiles. Thirdly, it involves the establishment of accounting and monitoring systems that can (in conjunction with accurate needs assessments of security forces) prevent the long-term, unchecked development of surpluses. Finally, effective stockpile management serves to preserve the quality of the national stockpile, with important benefits for the effectiveness of security forces and overall cost efficiencies.

13. In combination with thorough risk and needs assessments, moreover, effective stockpile management helps identify unserviceable or unwanted arms and ammunition and classify them as surplus. Proper stockpile management enhances the serviceability of small arms and light weapons and ammunition in the national stockpile, reduces the risk of accidents and misfires and, ultimately, enhances the morale of the security forces.

14. In terms of broad benefits, effective stockpile management and the resulting identification and disposal of surplus have the potential to save infrastructural, material, personnel and training costs related to managing and securing stockpiles of small arms and light weapons and ammunition. Disposing of surpluses through destruction also contributes to regional crisis prevention, security and stability by ensuring that items are not retransferred to regions where they may be subject to ineffective stockpile safety or security regimes.

IV. Challenges

15. The main challenges faced in the field can be subsumed under the three main areas of legislation, procedures and operations.

A. Legislation

16. States need to clarify which national laws and regulations apply to stockpile management. These may affect stockpile management in several ways, including: national divisions of responsibility for stockpile security and safety (i.e. who is responsible in the event of an explosive incident or breach of security); laws governing who can legally stockpile arms and ammunition; laws relating to the physical location of stockpiles; and legislation relating to personnel from other States operating in the country for the purposes of enhancing stockpile management or coordinating the destruction of surplus stockpiles.

B. Procedures

17. Rules and procedures need to be implemented to ensure that stockpile management is carried out within a clear framework, which assigns roles and responsibilities to stockpile management personnel and creates systems for ensuring the security and safety of national stockpiles. All of these processes are mutually dependent. A comprehensive stockpile management regime can best be described as an integrated risk management system.

1. Management systems

18. Keeping an inventory (records and accounting system) is the key issue for proper stockpile management. Needs may only be identified after assessment of assets, liabilities and requirements. Effective programme management, including total asset visibility (quantity and quality), is essential to reducing risks (e.g. auto-ignition)[2] and improve accountability and responsibility. In addition, a combination of risk and needs assessments, together with reliable management structures, is essential in the process of identifying surpluses.

2. Safety

19. International standards recommend periodic and comprehensive physical and chemical surveillance, which can significantly minimize the risks associated with ammunition becoming unstable. The United Nations hazard classification scheme provides additional guidance on safe ammunition transportation, handling and storage compatibility groups. Implementing existing best practice relating to surveillance and handling procedures could reduce significantly the hazards related to stockpiles of small arms and light weapons and ammunition in many States.

[2] A comprehensive accounting system is required in order to schedule chemical surveillance (and functional proof testing) of ammunition.

3. Security

20. Absolute security of small arms and light weapons and ammunition cannot be guaranteed, but the risks related to theft, loss or malfeasance can be identified and reduced to an acceptable level if States conduct a thorough risk assessment of their stockpiles and take the corresponding measures to protect them. Physical security measures include infrastructural and material improvements, adequate selection, training and remuneration of personnel, and the development of standardized working procedures and control mechanisms.

C. Operations

21. Rules and procedures only go so far in ensuring effective stockpile management. Before regulations are implemented at the operational level, capacity within national stockpile management systems must be addressed. Training is one key aspect that needs to be addressed in many States. There is currently a global deficit of technical expertise and States need to be able to train (and retain) qualified stockpile management staff.

22. These challenges persist in many States. One of the main reasons for this is, arguably, that few States that have problems related to the management of arms and ammunition recognize these failings.

23. The international community has developed a number of tools to address stockpile management challenges. Under the broad heading of local awareness-raising, several States organize seminars aimed at explaining to senior armed forces and ministerial personnel the threat posed by poor stockpile management. At the procedural and operational levels, some States offer training to personnel involved in stockpile management, security, safety and surplus disposal, with the objective of sustainable local capacity-building. Finally, States provide assistance, upon request, for the purpose of assessing stockpiles, improving stockpile security and safety, and managing or coordinating surplus disposal.

24. Where assistance is contingent on a request being made by the prospective recipient, this approach places the initiative firmly in the hands of the requesting State. Yet States may have little understanding of the condition of national stockpiles and, therefore, may not request assistance. It is preferable, therefore, that States, regardless of their perceived stockpile situation, make a self-assessment (or request assistance for that purpose) in order to identify any weak areas relating to national stockpile security and safety, and systems or financing of national stockpile management. Self-assessment reflects the commitment to review national stockpiles of small arms and light weapons made in section II, paragraph 18 of the Programme of Action. The development of standards by the international community is a useful tool for any State wishing to conduct self-assessments[3] based on best practices, existing guidelines and structured checklists as these can provide useful guidance on the issues that need to be covered in the review.

[3] A "self-assessment" can be defined as a two-stage procedure whereby States, in a first step, assess the elements and nature of their national stockpiles and, in a second step, determine the current condition of those elements.

V. Questions

25. In order to improve safety, security and management several conditions need to be met. First, strong national commitment to effective national stockpile management and surplus disposal is essential.

26. Two related questions are (i) how to raise awareness regarding national responsibilities and (ii) how to ensure that stockpile management and surplus disposal are a high priority for senior armed forces and ministerial personnel.

27. A committed State needs to be able to assess its stockpile (qualitatively and quantitatively). To facilitate such self-assessment capacities, certain tools have been developed and further tools ought to be developed that can be used and applied nationally and internationally.

28. The question in this context is how to inventory the existing tools and what kind of further tools ought to be developed and disseminated within the international community.

29. Once awareness, commitment and a certain level of self-assessment are secured, national authorities need to develop a way to obtain benefit from appropriate assistance projects offered by the international community. Many States are limited with respect to the scope of assistance in the absence of official requests and the establishment of a legal basis (for example, a memorandum of agreement or a status of forces agreement) for assistance programmes.

30. The question for debate in this regard is how to make sure that requesting States find their way through international assistance procedures and national caveats.

31. Donor States are usually limited with respect to the scope of the assistance they provide to activities mandated by either United Nations or relevant regional organizations. In order to streamline national processes and increase the scope of activities, a protocol to the Programme of Action specifically calling for proper safety, security and management of small arms and light weapons and ammunition, as well as surplus disposal, might be useful for the implementation of these aspects of the Programme of Action.

32. The related question is how to develop such a protocol and what scope should it have.

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Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Discussion Paper on the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

I. Discussion framework

1. The segment of the Third Biennial Meeting of States devoted to the International Instrument is to assess the implementation of the International Instrument as a whole. Thus, following the structure of the International Instrument in organizing the discussion at the meeting may prove useful. Therefore, a structure along three themes seems logical:

(a) Marking (International Instrument,[1] sect. III);

(b) Record-keeping (sect. IV);

(c) Cooperation in tracing (sect. V).

2. In discussing these themes, States should be encouraged to incorporate the following cross-cutting issues, as identified in both the International Instrument (especially sect. VI) and General Assembly resolution 62/47:

(a) National laws, regulations and administrative procedures — whether existing, new or planned — that ensure the effective implementation of the International Instrument (A/60/88, annex, para. 24);

(b) Implementation challenges and opportunities (resolution 62/47, para. 8);

(c) National experiences in tracing illicit small arms and light weapons (A/60/88, annex, para. 36);

(d) Measures taken in the field of international cooperation and assistance, including cooperation with the United Nations and the International Criminal Police Organization (INTERPOL) (A/60/88, annex, paras. 27-35).

[1] See A/60/88 and Corr.2, annex.

A. Marking

3. The key issues include:

(a) National marking practices related to markings used to indicate country of manufacture and/or country of import as applicable (A/60/88, annex, paras. 8 (a), 8 (b) and 31 (b));

(b) Measures taken to ensure that all small arms and light weapons in the possession of Government armed forces and security forces for their own use are duly marked (para. 8 (d));

(c) Measures developed by manufacturers within national jurisdiction against the removal or alteration of markings (para. 8 (e)).

4. For the purpose of effective implementation of the International Instrument, States are expected, as necessary, to establish laws, regulations and procedures to locate and mark unmarked Government stocks, acquire and operate equipment for small arms and light weapons marking, conduct research into marking technologies, train staff on marking and exchange information on national marking regulations and practices.

B. Record-keeping

5. The key issue is the measures taken by States to ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory, and maintained in accordance with the provisions of the International Instrument (A/60/88, annex, paras. 11 to 13).

6. For the purpose of effective implementation, States are expected, as necessary, to establish laws, regulations and administrative procedures relating to record-keeping systems including coordination between different Government departments, measures to record — or destroy — illicit small arms and light weapons found on national territory, computerization of existing record-keeping systems, staff training and information exchange on good and best record-keeping practices.

C. Cooperation in tracing

7. The key issues include:

(a) The establishment of a national point of contact for tracing and communication of this information to the Office for Disarmament Affairs (A/60/88, annex, para. 31 (a));

(b) Measures States have taken to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the International Instrument (para. 14);

(c) Information exchange on good and best regulations, administrative procedures and practices with regard to tracing mechanisms and procedures on the bilateral, regional and international levels.

8. For the purpose of effective implementation, States are expected, as necessary, to establish laws, regulations and administrative procedures on tracing systems,

including designation of national points of contact and necessary coordination between different Government departments, computerization of existing tracing systems, research into tracing technology, staff training, exchange of contact information of designated national points of contact and strengthening partnerships and cooperation regimes in the areas of tracing on the bilateral, regional and international levels.

II. Possible outcome of the Third Biennial Meeting of States with reference to the International Instrument

9. The outcome could underline the interdependent, mutually reinforcing nature of weapons marking, record-keeping and tracing. If States are to successfully trace weapons, they need first to uniquely identify the weapon using its markings and other characteristics, to be able to trace its history using existing records in the State of manufacture and/or last import.

A. Current priorities for implementation

10. States which have not yet done so can be encouraged to bring national laws, regulations and administrative procedures into line with the requirements of the International Instrument in particular regarding marking record-keeping and cooperation in tracing.

11. States which have not yet done so can be encouraged to designate national points of contact and to submit reports and exchange information on national marking practices.

12. States can be encouraged to exchange information on national marking, record-keeping and cooperation in tracing legislation, regulations and administrative procedures.

13. The role of the United Nations, INTERPOL and other relevant international, regional and subregional organizations in promoting implementation can be further endorsed.

14. Other priorities and proposed measures may be identified by States at the Third Biennial Meeting of States, including the area of International cooperation and assistance in implementation of the International Instrument.

B. International cooperation, assistance and capacity-building for effective implementation of the International Instrument

15. International cooperation and assistance is important for effective implementation, in particular in the following areas:

(a) Identification of best practices as well as implementation challenges and requirements, as necessary, for national capacity-building;

(b) Provision, by States in a position to do so, of technical, financial and other assistance both bilateral and multilateral to build or enhance national capacity in the areas of marking, record-keeping and tracing of illicit small arms and light weapons;

(c) Examination, by States in a position to do so, of technologies that would improve the effectiveness of the marking, tracing and detection of illicit small arms and light weapons as well as measures to facilitate the transfer of these technologies;

(d) Encouraging initiatives in the framework of the Programme of Action that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote implementation by States;

(e) Other priorities and proposed measures to be identified by States at the Third Biennial Meeting of States.